



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 3.10

Subject: Coverage for Personal Property Loss and Damage

Supersedes: DYD 2.19, 7/1/90

Local Policy: No

Local Procedures: No

Training Required: No

Approved by:

Effective date: 12/31/99

Revision date:

Application

To All Department Of Children's Services Employees.

Authority: TCA 37-5-106

Policy

The loss, damage or destruction of an employee's personal property used by an employee in the performance of his/her duties may be compensated by the State of Tennessee, Division of Claims Administration upon the submission of a claim form. The loss, damage or destruction must not have resulted from the employee's negligent acts, an act of God or natural disaster, or from an act of omission on the part of the employee.

Procedures

A. Notifications

1. Notice to supervisor

An employee who discovers loss, damage or destruction of his/her personal property must notify his/her supervisor immediately.

2. Notice to law enforcement

The appropriate director/superintendent/ DCS community residential facility supervisor/regional administrator or designee must notify the appropriate law enforcement officials when an employee incurs a loss of personal property with a value greater than \$200.

B. Claim process**1. Claim**

- a) A claim form, TR-0236, *Claim For Damages, State of Tennessee, Division of Claims Administration*, detailing the facts must be filed with the State of Tennessee, Division of Claims Administration within one year after the loss, damage or destruction has occurred or one year from when the conversion of the property should have been discovered.
- b) The claim must include the following information, at a minimum:
 - ◆ The original cost, replacement cost, and the estimated loss or damage
 - ◆ A statement from the employee's supervisor that the employee's property was required and approved for use in the performance of his/her duties; and
 - ◆ A statement why the State of Tennessee should be held responsible for the loss of damage
- c) Employees filing the claim, the employee's supervisor, and witnesses who submit statements must sign the statements and have them notarized by a notary public

1. Review by Claims Administration

The Division of Claims Administration must review the claim and may request that the director/superintendent/ DCS community residential facility supervisor/regional administrator or designee and staff provide additional information relevant to the reported incident.

2. Notarized statements of further information

- a) If the State of Tennessee, Division of Claims Administration reviewers request additional information, staff of the DCS general counsel division must send a memorandum to the director/superintendent/ DCS community residential facility supervisor/regional administrator or designee of the Children's Services facility/office where the employee was assigned at the time of the reported incident, specifying what information is to be gathered and from whom.
- b) The director/superintendent/ DCS community residential facility supervisor/regional administrator or designee must obtain signed and notarized affidavits or

statements from all employees who had knowledge of the loss, damage, or destruction of the property in question.

- c) Statements and affidavits must contain the following information:
 - ◆ The facts as known by the persons making the statement(s), relevant to the reported incident, and
 - ◆ Any information indicating possible contributory negligence, if any, on the part of the individual whose property was lost, damaged, or destroyed.
- d) The superintendent/director/DCS community residential facility supervisor/regional administrator must return the affidavits and statements to the DCS general counsel division staff, which must forward the information to the State of Tennessee, Division of Claims Administration.

C. Limitations on recovery

Recovery through the State of Tennessee, Division of Claims Administration is limited:

- ◆ To the extent of the loss, damage or destruction, as substantiated by the submission of valid proof of loss
- ◆ To the extent that employee is not compensated through insurance coverage on the property, up to the amount of loss determined by the State of Tennessee, Division of Claims Administration; and
- ◆ By the subrogation to the state of the employee's interest in the amount of the award, if the employee secures a settlement or recovery from a third party

D. Award

The Division of Claims Administration shall determine the amount of any award(s) to be made directly with the claimant/employee.

E. Appeals

Employees may appeal the decisions of the State of Tennessee, Division of Claims Administration to the Tennessee Claims Division, as provided in the rules and regulations of the Division of Claims Administration and the Tennessee Claims Commission.

Forms

TR-0236 Claim For Damages, State of Tennessee, Division of Claims Administration

Collateral Documents

Rules And Regulations of the Division of Claims Administration and the Tennessee Claims Commission

Standards

ACA

3-JCRF-1B-15

3-JTS-1B-16